Ukraine Towards a Rule of Law

The European Union’s Contribution to the Anti-Corruption Campaign in Ukraine

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Abstract

Corruption has flourished in Ukraine for years, making Ukraine one of the most corrupt countries in Europe. However, since the Maidan in 2014, Ukraine has turned its political course towards the west, taken several steps in order to tackle corruption and tightened its cooperation with the European Union. The purpose of this research is to assess what measures has the EU undertaken between 2014-2018 to help Ukraine in its aspiration to combat corruption and to achieve rule of law. This research has found out that the EU has supported Ukraine to tackle corruption by suggesting changes and reforms with the aim to foster overall development, while simultaneously keeping in mind the anti-corruption priority. One significant outcome of the fight against corruption has been the creation of NABU, the National Anticorruption Bureau of Ukraine, which is today the central element in the anti-corruption campaign. Secondly, the EU has backed Ukraine economically, and thirdly, the EU has granted visa liberation for Ukrainian citizens, which is contributing to the broader cooperation between Ukraine and the EU. In the theoretical scale, this study found out that there is an ongoing identity building, whereas Ukraine seeks to exclude corruption as a societal norm and obtain the values of the EU instead.

Keywords: Ukraine; European Union; corruption; rule of law

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List of abbreviations

AA – Association Agreement
CPI – Corruption Perception Index
DCFTA – Deep and Comprehensive Free Trade Area
EaP – Eastern Partnership
ECEAP – Estonian Center of Eastern Partnership
ECtHR – European Convention on Human Rights
ENP – European Neighbourhood Policy
EU – European Union
HACC – High Anti-Corruption Court
IMF – International Monetary Fund
NABU – National Anticorruption Bureau of Ukraine
QDCP – Qualification and Disciplinary Commission of Prosecutors
SAPO – Specialised Anticorruption Prosecutor’s Office
TEU – Treaty on European Union
WJP – World Justice Project
Table of contents

1 Introduction ............................................................................................................................................. 1
  1.1 Theoretical and empirical puzzle ........................................................................................................ 2
  1.2 Research question .................................................................................................................................. 2
  1.3 Research outline .................................................................................................................................. 2

2 Previous research ...................................................................................................................................... 3
  2.1 European Neighbourhood Policy (ENP) ................................................................................................. 3
  2.2 Eastern Partnership (EaP) ....................................................................................................................... 4
  2.3 Ukraine .................................................................................................................................................. 5

3 Theoretical framework ............................................................................................................................. 8
  3.1 Neofunctionalism .................................................................................................................................. 8
  3.2 Normative Power Europe ....................................................................................................................... 9
  3.3 Social constructivism ............................................................................................................................... 9
  3.4 Concept operationalisation .................................................................................................................... 12

4 Methodology and research design ........................................................................................................ 14
  4.1 Topic selection ...................................................................................................................................... 15
  4.2 Research design .................................................................................................................................... 15
  4.3 Methodological approach ...................................................................................................................... 15
  4.4 Material ................................................................................................................................................ 16
  4.5 Limitations and delimitations ................................................................................................................ 18

5 Data presentation and analysis .............................................................................................................. 19
  5.1 Reports ............................................................................................................................................... 19
  5.2 Indexes ............................................................................................................................................... 25
  5.3 Interview with Mr. Eerik Heldna ....................................................................................................... 29

6 Data analysis ............................................................................................................................................ 35

7 Conclusion .............................................................................................................................................. 39

8 Bibliography .......................................................................................................................................... 41
  8.1 Data and Material ............................................................................................................................... 45

Appendix 1 – interview guide ................................................................................................................ 48
Appendix 2 – scheme based on the interview transcript ........................................................................ 49
1 Introduction

For decades, Ukraine has distinguished itself from the rest of the ex-Soviet republics located in Europe. Ukraine has neither become a strategic partner with Russia as its northern neighbour (Belarus) nor managed to become part of integrated Europe as the Baltic states. Furthermore, Ukraine is exceptional in many ways among the post-communist countries because most of them have either chosen full democracy and ‘Western values’ or authoritarianism, but Ukraine has instead floating somewhere in between these (geo)political spheres (Åslund, 2009). Also, despite the ruling oligarchy and its impact on the society, Ukraine has stayed relatively democratic with free media (Åslund, 2009).

However, there are tremendous shortcomings in other areas related to the rule of law and institutional order, which have been causing problems internally but also in integration with the European Union. The absence of political compass, inaction, and passivist stand on conducting reforms have affected the socioeconomic situation as well, which for years could have been illustrated by transformational stagnation (Jonavicius, 2009). The overall stagnation has been a fruitful basis for corruption, which has flourished in Ukraine for years. Systematic corruption has also caused numerous problems and is today identified as the core of Ukraine’s problems, in addition to the judicial order which Åslund claims is ‘in a state of disarray’ (Åslund, 2009, p. 244).

Despite this, Ukrainians have shown their aspirations for change. Already in 2004, people were tired of corruption, nepotism, and stagnation, and voted for politicians who promised to take the course to the west, known as the Orange Revolution. Back then, people placed their hopes on politicians and wished for a moral change of the newly elected leadership (Kordan, 2016). However, the vision of the people was not fulfilled at that time. In 2014, a new opportunity emerged, this time more promising and fundamental than the previous one, known as the Maidan Revolution. The outcome of the revolution might be the most crucial turning point in the history of independent Ukraine as it has been interpreted ‘to be either a historic return to the democratic traditions associated with the Cossack Sich or the birth of the nation’ (Kordan, 2016, p. 139). The Maidan Revolution demonstrated that it was the people who claimed their destiny by coming to the streets of Kiev.

At the same time, there have been different measures from the EU to promote democratic values and the rule of law in countries like Ukraine. With the creation of ENP in 2003, the EU started to actively collaborate with its closest neighbours who were not granted a membership in the EU. As an outcome of ENP, the Eastern Partnership (EaP) was created to cooperate with the EU’s eastern neighbours. This initiative has provided a firm bilateral platform for cooperation between the EU and each member of the EaP. The EaP intends to improve four main areas: democracy and good governance, economic
integration, energy security and personal contacts (ECEAP, 2017). However, considering the specific problems of Ukraine, its increased focus since 2014 has been on anti-corruption policies (EaP, 2018).

1.1 Theoretical and empirical puzzle

The theoretical puzzle of this study is related to the integration itself, i.e., on what conditions is the EU open for expanding its cooperation with Ukraine. The social constructivist approach concerning the European integration will be thus explained and elaborated to grasp the ‘enlargement puzzle’ because as it comes up, the EU is socially constructed and reflects the values and understanding that the actors within it represent. Derived from that, the empirical case brings up Ukraine’s aspirations to tighten cooperation with the EU. At the same time, there are EU’s measures to help Ukraine in becoming a democratic state with a rule of law, which in the other hand is one of the preconditions for a prospective membership of the Union as stated in the Copenhagen criteria (European Commission, 2016).

1.2 Research question

Consequently, this research intends to monitor Ukraine’s development in creating a rule-based market economy and thereby become more integrated with the EU by using the instruments/frameworks provided by the EU. Thus, this study aims to answer the following question, what has the EU done in helping Ukraine in its anti-corruption campaign and with what success? In order to be able to answer the research question and/or measure the findings, two operationalised questions have been stated.

• What kind of action has the EU undertaken in order to help Ukraine in the fight against corruption?

• How successful has Ukraine been in creating the rule of law so far, i.e., how has Ukraine progressed through the eyes of external observers?

1.3 Research outline

This research is divided into five main parts. It starts with the previous research where this research ‘locates’ itself in the existing literature. After that, the theoretical stance will be introduced, which lays the background in terms of ideas. The next part introduces the methodological aspects of this work. As explained in that section, this study applies a mixed methods strategy. The research continues with the data section, which consists of three primary sources: two reports, three indexes, and one interview. The final part of this research contains a summary where all the presented material is taken together in addition to the further discussion.
2 Previous research

2.1 European Neighbourhood Policy (ENP)

The European Union stated in 2003 that one of the key objects in its external politics is a secure neighbourhood around its borders (European Council, 2009), and European Neighbourhood Policy (ENP) could be seen as an outcome of that (Sasse, 2008). Hence, the EU is interested in having good relations with its neighbouring regions, and it has created various initiatives with the bordering countries in the south and the east to foster cooperation and integration. The general framework for this kind of cooperation from the EU side is the ENP, which seeks to improve relations with such neighbours who are currently not part of the prospective enlargement. However, the ENP could not be seen as a threshold of the enlargement, neither purely as an EU’s foreign policy project (Havlik, 2014; Manners, 2010). The ENP is instead a mix of different policies originating from the EU’s goal to diffuse its values among its neighbours. One outcome of this policy is the constant support for ENP’s partner countries to reform three areas which are seen as primary by the EU: democracy, market efficiency, and integration, and security cooperation (Weber et al., 2007).

Views on the ENP

Sasse (2008) brings up that the debate of the ENP is mostly related to rationale and evolution of the ENP, such as the EU’s need to have a ‘ring of friends’ and the creation of bilateral Action Plans (Sasse 2008). The latter has facilitated a way towards an understanding that such an agreement could de facto mean a prospective membership (Sasse, 2008). However, Sasse warns about the ‘procedural entrapment’ whereas it becomes hard for the EU to deny membership for the ENP partners if they conduct their domestic reforms continuously, even though the ENP has not created for pre-community of the Union membership (Sasse, 2008).

Debbihi et al. (2016) suggest another reason why some countries are actively using the platform of the ENP to tighten their relations with Europe. Namely, the main reason for the higher activity, for instance in the Eastern Neighbourhood, derives from the proximity to and geopolitical presence of Russia, which motivates many eastern countries to position themselves towards Europe as a balancing force to the Russian influence (Debbihi et al., 2016).

Barbé and Johansson-Nogués (2008) argue on the other hand, that the hope and goals set on the ENP have not been reached due to the EU’s mixed signals and failure to vindicate its agenda among the ENP partner states (Barbé & Johansson-Nogués, 2008). Furthermore, some scholars have expressed their critique towards the ENP as it may have entailed the opposite effect than stated in the initiative’s
goals. Börzel and Pamuk (2011) call this phenomenon as ‘the Dark Side of Europeanisation’ and claim that while most of the partner states within the ENP have improved their statehood, the reforms in economic and democratic sector have partly been unsuccessful due to misuse of the reforms. For example, Börzel and Pamuk claim that the incumbent authorities of Azerbaijan and Armenia have used the EU pushed anti-corruption reforms as a tool against the political opposition and thus consolidated their power (Börzel & Pamuk, 2011).

Moreover, there are opinions which see the EU enlargement/integration politics in a different light and compare it to the 19th century’s imperial rule, stressing the superiority of the stipulated norms by the Western countries. Behr (2007) claims that the ‘outsiders’ have always needed to adapt themselves according to the Western norms to be recognised and accepted (Behr, 2007). While in the 19th century it was the ‘standard of civilisation’ which decided which nations are allowed to interact with Europe, today it is the level of democracy, human rights and free market which often determines the type of interaction between Europe and other states (Behr, 2007).

Despite these claims, Manners (2010) believes that the ENP has been successful particularly in the eastern dimension because it has helped some countries to turn their political course towards Europe, which is visible especially in Georgia and in Ukraine (excluding the Yanukovych era 2010-2014), where the politicians have openly stated their pro-European course (Manners, 2010).

### 2.2 Eastern Partnership (EaP)

The eastern policy of the ENP known as the Eastern Partnership, was officially established in 2009 by Poland and Sweden (Government Offices of Sweden, 2019). Krasnodębska (2016) introduces the debate within the EaP between liberal and communitarian approach for the cooperation in the east. The liberal approach driven by Sweden claims that countries should ‘earn’ their acceptance to a community by reforming itself (Krasnodębska, 2016). On the other hand, the communitarian approach derives from the Polish understanding that the primary precondition for being part of a community derives from the cultural factors such as shared history, heritage, and memory (Krasnodębska, 2016).

Ciascai (2014) argues however, that the Eastern Partnership, as enacted in Prague in May 2009, has not been successful because of the EU’s low ambition, weakness of the partner governments and Russia’s determination to keep the former Soviet-state partners in its ‘sphere of influence’. However, Ciascai agrees with Manners (2010) and believes that the EaP and the ENP both have supported and strengthened the position of pro-European forces in some EaP partner states, which have allowed them to undertake some process towards further cooperation with the EU. Concerning Ukraine, the
EaP has helped the Ukrainian public to acknowledge the EU’s goals of democracy, the rule of law, and collaboration with the EU (Krasnodębska, 2016).

2.3 Ukraine

It seems that for years, Ukraine was struggling to find its place within the international system and tried to adapt with its sovereign statehood. Kuzio (2001) argued already at the beginning of the 2000s that many post-Soviet states, such as Ukraine, are facing a ‘quadruple transition’ which contains building a nation and the creation of a state, rapid change in terms of political and economic transformation from communism to a global market system (Kuzio, 2001).

Uncertainty and absence of political compass have illustrated the political situation in Ukraine for decades. Former Ukrainian president Viktor Yushchenko has defined the development of Ukraine during the presidency of Leonid Kuchma as ‘momentocracy’, which refers to the country’s elite’s capability to envision and attain only short-term goals (Kuzio, 2012).

Oligarchy in Ukraine

Something that needs to be understood in the Ukrainian context is the impact of the oligarchs. Åslund (2015) argues that there are hardly any other societies in the world who are as oligarchic as Ukraine and still democratic (Åslund, 2015). He continues that oligarchic society could be understood as a system where political power is distributed among the economic elite, and the state system protects the interests of the major producers (Åslund, 2015). On the other side, oligarchs in Ukraine have never directly initiated or promoted any significant changes, including the revolutions. As Pleines (2016) argues, oligarchs have instead always accommodated themselves with the forces who have or are gaining political power (Pleines, 2016). This means that when the incumbent political camp is being challenged, oligarchs wait and make calculations. If they feel that the table is turning, they gently switch to the new political camp (Pleines, 2016). Thus, ‘oligarchs do not determine who gains political power, but they more likely act as catalysts for an ongoing change by giving additional support to the supposedly winning side’ (Pleines, 2016, p. 126).

Ukraine and its geopolitical location

The more significant issue that needs to be taken into account in Ukraine’s context is its geopolitical location between the east and the west. Russia has had a considerable impact on Ukraine’s development as a state and is even today trying to influence its course. Cadier (2019) argues that there is an ongoing geo-economic competition in the post-Soviet space between Russia and the EU. While the EU has created the Eastern Partnership, which Cadier claims has become geopoliticised thanks to
Russia, Belostecinic (2017) argues that Russia uses corruption to keep its neighbours under its influence.

Belostecinic derives from the assumption that Russia is a corrupt state, and Russia’s high-level corruption affects even its partner-countries in trade. Belostecinic shows that Eastern-European and Central-Asian firms who are exporting to Russia above the average, have been involved in ‘greasing the wheels’ type of corruption for a smoother business in Russia (Belostecinic, 2017). This means that companies who export to Russia, are exposed to corruption and may become affected by it. Thus, by exporting their goods to Russia, firms are simultaneously affected by corruption, which could be viewed as importing corruptive pattern of business back to their own country.

Furthermore, Babakova (2018) shows that one of Russia’s biggest export commodities has become corruption. Russian high-level authorities, who are part of the corrupt system within their own country, invite politicians and national oligarchs from its bordering authoritarian states to do business through inside deals and other corrupt mechanisms (Babakova, 2018). Moreover, Kremlin’s officials also provide their know-how in helping to conduct fake elections and in money laundering. Russia is thus a leading distributor of political and economic corruption (Babakova, 2018).

**Corruption as the root of Ukraine’s problems**

Åslund (2015) argues that the source of many problems in Ukraine is corruption, which has hindered economic growth and generated overall stagnation (Åslund, 2015). Åslund believes that Ukraine’s fundamental mistake in the 1990s was the acceptance and continuity of Soviet heritage in terms of mentality, politics, and economy which was not reformed nor replaced (Åslund, 2015). The outcome of that was a corrupt political elite and lack of rule of law, which is reflected in the statistics. Åslund argues that Ukraine has lost 25 years of development, as it was as poor in 2014 as it was in 1989 (Åslund, 2015).

Corruption has also caused problems in the Ukrainian legal sector. Åslund tones that the whole court system is corrupt from the grassroots level. For example, it starts with paying a bribe to get into law school, and on the other end, people pay a bribe for the appointment with judges (Åslund, 2015). Åslund also notes the problem with the Soviet-style superiority in the court, whereas prosecutors have a stronger position than the judges and judges depend on the executive power for financing (Åslund, 2015). This creates a questionable subordination in the court as the system itself creates corruption risk by default.
Corruption as a legacy of the past

However, the corruption-problem in Ukraine is not unique. Many European countries which (re)gained its independence and/or became politically sovereign at the beginning of the 1990s, ‘inherited’ corruption as a part of state functionality. Schwartz (1979) argues that the informal rules acted as a supplement to the legal system because corruption was required for the effective functioning of the communist system such as in the Soviet Union (Schwartz, 1979). This means that many of the ex-communist states in Europe have struggled with corruption after they became independent.

In fact, it is a well-known issue of Romania’s and Bulgaria’s capability to adequately respond to the process of Europeanisation and to fight corruption even after their accession to the EU. Andreev (2009) argues that the reason behind the problems is the ‘unfinished political and socioeconomic transformation’ (Andreev, 2009, p. 391) prior to the accession to the Union (Andreev, 2009). Both countries are thus still haunted by their legacies of the past, which makes corruption a visible problem even in the EU.

Corruption’s impact

Coming back to Ukraine, Kuzio (2012) has brought up ten logical inconsistencies related to corruption, which have hindered the evolvement of Ukraine as a state. Among the others he notifies that throughout the years, the political elite has used power to improve their assets and influence; industry and the energy sector, both having a strategic importance, have been part of corrupt deals; low trust in the state and politicians among the people (Kuzio, 2012). More importantly, corruption is not only a source of many of Ukraine’s problems, it also poses a threat to national security (Ukraine’s Security Service, 2017).

Saarelmäel (2014) argues that corruption’s threat to national security stems from the fact that corruption weakens the country as a structure because it reduces social, political and economic cohesion and stability, and it diminishes people’s trust in the state, democracy and its values (Saarelmäel, 2014). Thus, corruption fosters society’s image of a country as ‘failed state’ as corrupt leadership serves the personal interests of the elite, instead of the interests of its citizens.

Maidan as a turning point

Kuzio (2012) has claimed that Ukraine cannot expect significant progress in democratisation, the fight against corruption, the rule of law and other socioeconomic reforms, unless it comes out from the stagnation and sets a clear vision what type of nation and state they are forming (Kuzio, 2012). Oleinik (2018) has also emphasised national unity as a background condition for democracy and continues that the democratic legitimation derives from a strong civil society (Oleinik, 2018). Kordan (2016) has
said that the Maidan events have been a breaking point for many changes in Ukraine, whereas Euromaidan revitalised Ukraine’s civil society and demanded a change of the political order (Kordan, 2016). Thus, there are indications that Ukraine has set a new course as a consequence of the Maidan Revolution, which is a grounding assumption of this research.

3 Theoretical framework

Introduction to the theoretical part

While there are different theoretical approaches to explain the EU integration and cooperation, this study has applied the theory of social constructivism, as it provides a comprehensive theoretical explanation concerning the existing phenomenon of the EU providing its help for Ukraine to combat corruption. Social constructivism also opens up the topic of Ukraine’s identical dilemma between the EU and Russia. In addition to the theoretical approach, the main concepts of this work will also be explained and elaborated to give the reader a better overview of the processes taking place in Ukraine currently.

3.1 Neofunctionalism

Rosamond (2000) has argued that it is hard to avoid neofunctionalism while talking about European integration as it is one of the first attempts to theorise the unity of post-war Europe (Rosamond, 2000). Indeed, for the cooperation in the coal and steel sector to be successful, there was a need to expand the collaboration into other areas as well (Rosamond, 2000). This was something that men like Ernst B. Haas, the founding father of neofunctionalism, and Jean Monnet ‘the father of Europe’ understood. Economic cooperation required political guidance, which would lead the cooperation into the right direction (Rosamond, 2000). This process or the need for further cooperation has been called ‘spillover’, which is the central concept of neofunctionalism. Rosamond summarises Haas’s understanding of ‘spillover’ as ‘how the creation and deepening of integration in one economic sector would create pressures for further economic integration within and beyond that sector, and greater authoritative capacity at the European level’ (Rosamond, 2000, p. 59-60).

However, neofunctionalists have not focused that much on the integration in foreign and security politics (Bergman, 2018) and enlargement (Macmillan, 2009), and scholars from other fields, especially intergovernmentalists, have expressed their doubt of neofunctionalism’s applicability in ‘high politics’ (Bergman, 2018). In addition, ‘spillover’ does not give us a comprehensive answer to the question why has the EU’s ‘spillover’ of integration into the east been uneven. Therefore, there is a need to take a closer look at the more recent theories of European integration.
3.2 Normative Power Europe

Numerous researches have approached the European Union’s policies towards its neighbours through the theory of Normative Power Europe (NPE) by Ian Manners (2002), in which the notion of Normative Power Europe is very much related to the discussion of power over opinion, in other words, ideological power (Manners, 2002). According to Manners, the EU’s values are based upon five core and four minor norms, which all are diffused through the EU’s different policies (Manners, 2002). Manners believes that the EU is constructed on a normative basis, which accordingly makes it act in a normative way (Manners, 2002). Therefore, he argues that the EU should be viewed as what it is, instead of what it says or does (Manners, 2002).

In contrary to Normative Power Europe, this research tries to understand what the EU does in the field of the anti-corruption campaign in Ukraine. Also, instead of having the power over opinion, this study is more concerned with the question of identities, i.e., what constitutes identity and how actors want to represent themselves. Thus, this study will apply a social constructivist approach to explain the motivation from the European Union to foster the cooperation and integration with Ukraine, and on the other side, why Ukraine is willing to approach the EU. More specifically, social constructivism helps to define and argue on what basis is the current deeper cooperation between the EU and Ukraine taking place.

3.3 Social constructivism

Definition

Social constructivism has become an increasingly popular theory in the field of International Relations and European integration since the 1990s, while the field of EU studies was previously occupied mainly by the debate between liberal intergovernmentalism and neofunctionalism (Risse, 2009; Rosamond, 2000). In contrast to realism, which sees the world as having objective properties (Hammond & Wellington, 2013), the main argument of the constructivist approach is that the structure of world politics is rather social than material which means that the reality in, which we live in is socially constructed rather than objectively given (Rosamond, 2000).

With regard to how this study acquires knowledge, Hammond and Wellington (2013) claim that in the interpretivist epistemology, the meaning is uncovered by examining social activity (Hammond & Wellington, 2013). Therefore, the epistemological stance of this study could be seen as interpretivist as it tries to understand the impact of the cultural and institutional processes to the actors within them (Hammond & Wellington, 2013).
In addition, Knutsen (1997) argues that ‘constructivists all agree that the structures of international politics are outcomes of social interactions, that states are not static subjects, but dynamic agents, that state identities are not given, but (re)constituted through complex, historical overlapping (often contradictory) practises – and therefore variable, unstable, constantly changing; that the distinction between domestic politics and international relations are tenuous’ (Knutsen, 1997, p. 281-2, in Rosamond, 2000, p. 172)

Derived from that, we can say that constructivism stems from the social ontology which argues that the environment (for instance, culture) which we all live in is created by human agents collectively and is in constant change (Risse, 2009). On the other hand, Risse claims that the crucial part of constructivist understanding is the fact that social structure and social agents are mutually constitutive (Risse, 2009). This means that the social environment which has been created by human agents, constitute the agents themselves and thus creates identities. As the human agencies develop and reproduce the environment through daily practises, Risse argues that social constructivism could be seen as filling the space between the ontology of individualism and structuralism by claiming that ‘there are properties of structures and agents that cannot be collapsed into each other (Risse, 2009, p. 146).

Agency and structure

Risse believes that the claim about agency and structure is essential if the European integration is analysed where the interests of the actors have not just emerged out of nowhere. As Risse puts it, social constructivism believes that the political culture and the social construction of interests and identities, rather than material structure, are the crucial things to explain the emergence and development of new social structures (Risse, 2009). This understanding becomes relevant in the European integration and Europeanisation studies, which see both of them as two-way processes of policymaking, as they have an impact on the domestic policies in the member states themselves, which have launched the enlargement (Risse, 2009). Thus, as explained earlier, the changes in the environment (EU) that are created by the agents, are starting to have an impact on the changes (members states) themselves.

European enlargement

Constructivists see the European integration as a process because as Rosamond (2003) claims, human interaction works in a way that creates structures (Rosamond, 2003). This is noticeable even in the European Union, as the system has developed, expanded its spheres of activity and enlarged in geographical terms. In fact, enlargement has always been part of the EU’s identity (O’ Brennan, 2001).
Speaking about the EU, Rosamond (2003) also mentions the importance of norms, which refers to the ‘collective expectations for the proper behaviour of actors with a given identity’ (Rosamond, 2003, p. 122). Risse (2004) calls it the constitutive effect of social norms and institutions as social norms of our societies define who we are as actors. This means that the common rules in the EU set the ‘rules of the game’ which must be followed to be a member (Risse, 2004).

Looking back at the Central and Eastern European enlargement process in 2004, O’Brennan (2001) argues that social constructivists stress the shared understanding of the European project which has its roots in the shared history, culture and historical experience (O’Brennan, 2001). More specifically, he states that ‘the constitutive values of the European political order, reflecting a common collective identity and manifested in the Copenhagen criteria, represent the key building blocks for this enlargement round’ (O’Brennan, 2001, p. 31).

Even though Ukraine is not an official prospective member at the moment and O’Brennan’s explanation of the social constructivist enlargement was mainly aiming to interpret the enlargement taking place in 2004, the same type of ideas regarding the current aspirations of Ukraine are applicable. The only thing that is changed is time, and as Knutsen (1997) argued, states are dynamic agents whose identities are in constant change. Thus, as many other post-communist countries in Europe have done earlier, Ukraine has now finally turned its course towards the west, and the current change could be seen as a transformation from post-Sovietism to pro-Europeanism.

Taken together, the European Union which is a liberal community based on human rights, the rule of law, democracy and open market economy, is open for further expansion because as the social constructivists argue, it is the shared values and norms that constitute the identity of an actor (Risse, 2004). This means that if an actor wants to be part of this identity and is committed to the EU’s normative obligations of values and rules, the actor should be entitled to join the Union. Even though it is understandably the EU who decides the terms of accession, it is the collective identity of the EU as a union of liberal values which to a large extent explains the ‘enlargement puzzle’ (Risse, 2004).

**Critical reflection on the theory**

Jung (2019) has argued that constructivism ‘does not specify the existence’ (Jung, 2019, p. 8), in other words, it does not define the origin and constitutive elements of the identities, norms and social structure (Jung, 2019). In addition, competitor theorists have raised the issue that constructivism exclusively focuses on “good norms” such as human rights, democracy, environmental issues (Jung, 2019). However, the main advantage of the constructivist theory, on the contrary to its rival realism is that ‘norms and ideas also constitute power and interests’ (Jung, 2019, p. 8), which emphasises the
social factor of the politics instead of materiality as previously argued (Jung, 2019). Thus, the interpretivist approach to the topic of anti-corruption argues for the use of social constructivism.

3.4 Concept operationalisation

Europeanisation

As brought up earlier in the social constructivist discussion, Europeanisation is a phenomenon that has effects on different actors within the EU borders and also outside of it, but it should be specified what is meant by this concept exactly. This concept is relevant in this work because many scholars have defined the processed taking place in Ukraine as democratisation and Europeanisation (Kushnir, 2016, Morisse & Schilbach, 2007; Gawrich et al., 2010)

While some scholars have tried to define Europeanisation as a broader phenomenon and drawn a parallel with globalisation (Häge & Schneider, 2008), most of the studies regarding Europeanisation have been attempting to categorise it depending on its subject of influence. Olson (2002) claims that there are many faces of Europeanisation and has suggested five different approaches to it whereas Gawrich et al. (2010) has narrowed them down to three research fields where the Europeanisation concept is widely but differently used; Membership Europeanisation, Accession Europeanisation and Neighbourhood Europeanisation (Gawrich et al., 2010)

Börzel and Banke (2016) suggest a similar view on Europeanisation but have defined it slightly differently. They divide Europeanisation into three different study areas: ‘bottom-up’, ‘top-town’ and sequential perspective on Europeanisation.

For the sake of this study, Europeanisation in Ukraine is seen as ‘top-down’. This study area tries to explain how the EU influences its members but also external actors, such as third countries (Börzel & Banke, 2016). While the EU policies and institutions are fuelling the domestic change and development within the EU, the EU simultaneously imports its governance model to third countries (Börzel & Banke, 2016). Börzel and Banke refer to this as the ‘external Europeanisation’ which promotes the adaption of the acquis communautaire in third countries through various methods, for example by neighbourhood policy (Börzel & Banke, 2016). This approach is also essential cornerstone in the EU’s enlargement policy where countries seeking to join the Union have to comply with the EU’s rules of democracy and market economy stipulated in the Copenhagen criteria (Börzel & Banke, 2016). For example, as explained earlier, Sweden’s liberal approach to the EU integration sees that countries should adopt the EU norms through ‘top-down’ norm-diffusion for greater integration.
**Concept of the rule of law**

As known, the rule of law is a deep-rooted part of democracy and democratic governance. It has also an essential place in the EU’s core values, as stated in the Treaty on European Union (TEU) ‘The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States’ (Article 6, TEU).

Even though the concept rule of law sounds self-explanatory, it is a complex concept. The concept as based on European Convention on Human Rights (ECtHR) means ‘the control of public power through law and is aimed at the protection of the individual’ (Lautenbach, 2013, p. 1). Lautenbach also brings up the two core elements of the rule of law, the control of power and legality (Lautenbach, 2013). The control of power presupposes the presence of some power or political entity which needs to be controlled through the acceptance of law (Lautenbach, 2013). Legality refers to the demand that governments must govern through the law (Lautenbach, 2013). In reality, these two elements of the law are intertwined as the rule of law is primarily aimed to organise society through the control of power, which must be conducted through the law.

Mendelski (2016) brings up some other vital features of the rule of law. For example, laws need to be transparent, non-retroactive, and manageable to its subjects, and they should be made with the respect of recognised standards of human rights (Mendelski, 2016). He also mentions that the judicial system should be able to enforce justice efficiently and within a reasonable time. Furthermore, judicial impartiality means that law needs to be unbiased, fair, non-corrupt (Mendelski, 2016).

Taken together, it is crucial to understand that the rule of law aims to provide a stable and safe way to organise social life. Moreover, it aims to protect the individual from arbitrary power because as mentioned, the rule of law derives from the individual-protective standpoint (Lautenbach, 2013, p. 22). Thus, the rule of law can be seen as a promoter of such a legal system, where an individual’s rights are adequately protected.

**Concept of corruption**

Corruption is perhaps the most essential concept of this study because as shown, scholars agree that corruption is the root of Ukraine’s problems (Åslund, 2015; Kuzio, 2012). However, corruption is a vague concept and is seen differently in different cultures. However, for this study, the aim is to define corruption as it is according to the Western standards as this is something that stipulated in the Association Agreement’s (AA) conditions and accepted by Ukraine (European Union, 2014).

Corruption has been part of human society throughout history and has characterised every type of community, for instance, socialist as well as capitalist (Economakis et al., 2010). Perhaps the most
An illustrative attempt to define corruption is made by Tanzi (1998) who argued that corruption is ‘like an elephant, while it may be difficult to describe, corruption is generally not difficult to recognize when observed’ (Tanzi, 1998, p. 564). The more conventional way to describe corruption is ‘the use of public office to undermine the norms delineating the boundaries separating social and economic power from the political authority to advance individual, group or institutional benefits’ (Mendilow & Peleg, 2014, p. 14-15). In other words, corruption is an act where people abuse their position for private gain.

**Grand and petty corruption**

There is even a distinction between ‘big’ and ‘small’ corruption. ‘Big corruption’, i.e., grand corruption is meant by the act of corruption which is done by a high-level government authority which affects the policies or/and the functioning of the state and whereas the government body gains some benefit at the expense of the society (Transparency International, 2018). ‘Small corruption’ known as petty corruption, on the other hand, refers to the corruption on lower levels during the every-day interaction between citizens (Transparency International, 2018). However, the idea remains the same, entrusted power abuses its position for their own good.

**Conclusion of the theoretical framework**

Taken together, this part of the study explained the phenomenon of tackling corruption in Ukraine. It began by introducing different theories to explain the EU integration and moved on to the theory of social constructivism, which was ultimately applied in this study. As shown through the theory of social constructivism, the EU offers its help and accepts Ukraine’s motivation for tighter cooperation whereas Ukraine has decided the supersede the ‘old system’. For return, Ukraine must show that it is capable of complying with the EU’s values if it wants to be part of the space of European values and one day even become part of the Union. The current process could be characterised as Europeanisation, which refers to the implementation of the EU norms and values in Ukraine to tackle such problems as the lack of the rule of law and corruption.

**4 Methodology and research design**

The purpose of this part is to bring up and explain the use of the tools and methods, which are employed in this study in order to answer the research question. This study is constructed with an exploratory aim as it tries to understand how the measures from the EU have helped Ukraine in its way establishing a democratic country with the rule of law. In the following chapter, the methodological part of this study along with the research design will be introduced and elaborated.
4.1 Topic selection

The motivation for choosing this topic derives from the fact that by now, Ukrainian people have shown twice their strong will to take the course towards Europe and to be part of that entity. As Kordan (2016) has argued, for Ukraine integration with Russia means maintaining the status quo, turning course towards the west means future (Kordan, 2016).

For the EU, Ukraine is essential thanks to its size, proximity and economic potential. However, Ukraine has many obstacles in its way. Corruption, bureaucracy and the currently ongoing armed conflict in the Eastern-Ukraine fuelled by Russia are the elements indicating the current difficult situation. Thus, helping Ukraine to ‘get on track’ is simultaneously vital for Ukraine and for the rest of Europe.

4.2 Research design

This research will be conducted as a case study, whereas it monitors how the EU has helped to tackle corruption in Ukraine. Thus, this research conducts a detailed and intensive analysis of the corruption problem and its evolvement in Ukraine, which is an indication of a single case study design (Bryman, 2008).

In order to grasp the broader perspective in this matter, this study uses a twofold methodological approach – qualitative and quantitative in order to analyse the data with a diverse nature. Hence, this research could be seen as ‘mixed methods research’. This research design was chosen because it enables to examine the development of corruption in Ukraine from different angles and touch upon topics which are affected by corruption.

The timeframe monitored in this study covers the years 2014 and 2018 because it sees the year of 2014 as a breaking point in Ukraine facilitating the way for a new political course, which has also been reflected in the more serious anti-corruption campaign. As mentioned earlier in the previous research, Ukrainian authorities imitated for years the fight against corruption instead of actually tackling it. Therefore, this study sees the use of material prior to 2014 irrelevant regarding the current case.

4.3 Methodological approach

The first part of the analysis evaluates two reports from the EU on the corruption issue in Ukraine. The use of the reports could be seen as twofold. Firstly, the action and assessment by the EU in the anti-corruption field are brought up and presented. Secondly, the claims which have been stated by the EU are being analysed and judged. As there is a 5-year gap between the reports, it also gives a comparison point to see what has been achieved or done between these years.
Secondly, this study involves indexes from three different fields that are affected by corruption. These indexes were chosen to objectively measure the possible effect of the anti-corruption reforms made in Ukraine since 2014. The usage of indexes will be conducted by gathering and displaying indexes provided by three international organisations in their respective fields. The data will be presented in line charts to observe the general trends of the anti-corruption policies since 2014. This method could be seen as scrutiny to the data presented by the reports, as it assessed whether there is any progress in the anti-corruption field in Ukraine.

The last part of the material is a qualitative interview with an expert. The qualitative interview enables flexibility regarding the structure and is aimed to emphasise the interviewee’s perspective on the topic (Bryman, 2008), precisely as the intention of this interview is. Bryman distinguishes two methods to conduct a qualitative interview – totally unstructured interview referring to interview which is characteristic to a conversation, and semi-structured interview containing specific questions of the topic to be covered (Bryman, 2008). This research will use the latter method as there will be a list of questions guiding the interview, but the interviewee has a great deal of flexibility to answer the questions (Bryman, 2008). The results of the interview will be analysed later-on through coding, e.g., by bringing up the ideas which are repeated and emphasised by the interviewee or which are known to be important because of the previous research. The coded scheme of the interview could be found in Appendix 2.

4.4 Material

The material is expected to provide an answer to the research question. More specifically, the operationalised questions which were presented previously are used to measure the findings of the material once they have been analysed.

The empirical material contains three primary sources – firstly, two reports made by the European Commission as a part of ENP framework reflecting Ukraine’s situation and future perspective from the broader scope, secondly, indexes showing Ukraine’s development in areas which are affected by corruption. And lastly, one interview with an expert on Ukraine’s anti-corruption policies.

Secondary material consists of previous research. Additionally, the main concepts of this work, Europeanisation, the rule of law and corruption are being elaborated.

Reports

The reports used in this research will be the ENP’s Ukraine Progress Report (2014) and ‘Association Implementation Report on Ukraine’ from 2018. These reports were chosen because they both represent an overview from the EU assessing Ukraine’s implementation of the Association Agenda.
and later on the Association Agreement (AA). Among the other topics, both reports analyse the situation of corruption and other areas directly linked to it, containing the measures, goals, and achievements of the anti-corruption campaign in Ukraine. Hence, both reports provide the necessary overview of the developments relevant to this study.

Indexes

The second pillar of the material consists of indexes from different organisations monitoring development in their respective fields. The indexes are as follows: Transparency International – Corruption Perception Index, The World Bank – doing business index and the World Justice Project’s rule of law index. The intention is to visualise Ukraine’s development in the above-mentioned areas between 2014-2018 and to see how the ENP reports are reflected in reality.

Interview

Lastly, this study contains is an interview with Mr. Eerik Heldna, currently working as an expert at the Estonian Center of Eastern Partnership (ECEAP) on projects related to Ukraine. Mr. Heldna has considerable expertise in anti-corruption policies, and he is a former deputy head of Estonian Internal Security Service. The interview was conducted in the Estonian language on Skype on 4 May 2019, and it contained ten questions about Ukraine and its challenges in the light of the fight against corruption. The interview was transcribed, and the transcription works as a base material for the whole interview part in this study. The use of the interview could be seen as a critical reflection upon the EU’s approach in Ukraine, and it contributes to the overall assessment of the corruption issue. Hence, the interview helps to give some extra perspective to the topic. The interview questions could be found in Appendix 1.

These sources were chosen because each of them has a different nature and thus reflect Ukraine’s development from different aspect – the official rhetoric, which is stated in the EU documents, the external observations by international organisations which are displayed in the statistic of Ukraine’s performance. And finally, an ‘immediate inside view’ from a person who is currently active in that field and has up to date information about Ukraine’s current situation in the anti-corruption area.

Material validity

Every researcher must, however, consider the validity of their material; thus, two most important aspects of a source are the relevance and reliability (Booth et al., 2008) which is essential because the used data must be updated, correct and originate from trustworthy actors.

Even though the EU’s reports have received critique of their vagueness and unfounded positivism (Gawrich et al., 2010), their position remains vital in this study as they provide the best large-scale
overview of the development of the corruption issue in Ukraine from the European perspective. Thus, the potentially biased stand of the EU documents has been taken into account.

The indexes by the international organisation, on the other hand, are seen as independent and reflecting the actual situation. It is also important to mention that these sources originate from the external actors who are not associated with the European Union nor Ukraine. Also, these organisations are well-known, and their data is used by various scholars and media corporations around the world. Also, most of the organisations are funded by multiple sources, their income is available online, and it is transparent.

The final part of the material, the interview, brings certain ‘internal perception’ of the corruption-related processes in Ukraine into the research, which is a quality in itself as it provides instant experience from that field.

4.5 Limitations and delimitations

Whereas the EU offers its advice and help to Ukraine through various initiatives and projects, the thesis has been delimited to a single case study explicitly due to the importance of the corruption-topic in Ukraine. Equally important is the case of Ukraine itself whereas the country has officially stated its readiness to cooperate with Europe for decades but struggled to show some practical result.

Although this study aims towards variety in terms of material, one limitation of the presented design is the absence of internal debate of Ukrainian society regarding the anti-corruption campaign and European integration in general. This problem is related to the language barrier. However, this study tries to include some background material from Ukraine as well, which is available in English, for example, the 2017 yearbook of Ukraine’s Security Service. Also, the study contains an interview with a specialist who is familiar with the processes taking place in Ukraine.

One thing that needs to be mentioned regarding the interview is the fact that it was conducted in Estonian and later-on summarised into English. Thus, there is a possibility that something has been ‘lost in translation’, even though the author has done its best to minimise this risk.

Design limitations

As mentioned, this research benefits from both major research styles. However, Bryman (2008) argues that the ‘mixed methods research’ style has been criticised due to the epistemological and ontological impediments (Bryman, 2008). Some scholars believe that quantitative and qualitative researches have such a diverse nature by default, which makes their common use incompatible (Bryman, 2008). On the other hand, some people acknowledge the different epistemological and ontological assumptions,
but they do not see the links as fixed and nonadjustable (Bryman, 2008). Besides, this research uses qualitative material as the leading one, and the quantitative material is only used in terms of scrutiny. Thus, the tandem use of quantitative and qualitative strategy is not seen as problematic in this study.

5 Data presentation and analysis

Introduction to the data section

The data section starts with two ENP reports assessing Ukraine’s situation in the light of corruption handling, judiciary sector and economy. The intention is to compare these two reports and analyse how much has Ukraine developed during the 5 years and to see, what has been said by the EU. The second part of the analysis will introduce the indexes of external observations in three different fields, assessing the change in Ukraine between 2014-2018. The use of indexes could be seen as an attempt to scrutinise what has been stated by the EU. The final part will include an overview of the interview, which brings up the important elements of the anti-corruption field from an ‘insider’. Furthermore, this interview helps to reflect how are the EU’s fostered reforms working in reality and what is their outcome through the eyes of an expert.

5.1 Reports

As mentioned earlier, this study will use two ENP reports, one covering Ukraine’s progress and goals in the anti-corruption, economic and judiciary fields during 2014 and the other during 2018. Both reports will be first introduced and then their data will be presented. This section ends with an analysis of both reports.

Ukraine: ENP Progress Report (2014)

This report is a ‘European Commission Country Report assessing progress made in implementing the EU-Ukraine Association Agenda in 2014, with recommendations on how Ukraine can step up its implementation. The report is part of the ‘Neighbourhood Package’, a set of documents released by the EU in the framework of its annual assessment of the European Neighbourhood Policy’ (EU Neighbours, 2015).

As stated, the report assesses the overall progress of Ukraine in implementing the EU-Ukraine Association Agenda, which was a pre-agreement facilitating the implementation of the Association Agreement between Ukraine and the EU. While the report covers many areas such as democracy, human rights, trade and governance, this study seeks to bring up the essential points said about the
fight against corruption and other topics closely linked to it such as the process in the legal sector and economy.

Assessing the situation in Ukraine: 2014

The report starts with an acknowledgement that the year of 2014 was challenging for Ukraine to conduct reforms primarily due to the illegal annexation of Crimea by the Russian Federation and its fostered destabilisation in the Eastern-Ukraine (European Commission, 2015). Despite these challenges, Ukraine generally managed to make progress into the right direction according to the EU. For example, Ukraine adopted several anti-corruption laws and made the first steps in creating the National Anti-Corruption Bureau (European Commission, 2015). To help Ukraine in the progress of democratisation, the European Commission approved a support package for Ukraine, which in total will be over 11 billion EUR during the following years (European Commission, 2015).

In the anti-corruption field, Ukraine took several measures to tackle the corruption problem by implementing new anti-corruption policies in May 2014 such as: creating control mechanisms; criminalising bribery; introducing new rules on corruption in the private sector and combating corruption by higher penalties (European Commission, 2015). Later in the year, Ukraine complemented the anti-corruption policies by creating a new institution – Agency for the Prevention of Corruption; adopting laws on the National Anti-Corruption Bureau; disclosing the owners of companies and intensifying the fight against money-laundering (European Commission, 2015). On the other hand, the report states that the national strategy on corruption does not include the exact methods, responsibilities, resources, and deadlines of the anti-corruption campaign (European Commission, 2015). In other words, the report claims that Ukraine is lacking a more extensive implementation plan for combating corruption.

In the field of economy, the environment for business and investments remained weak in 2014 despite some reforms (European Commission, 2015). The biggest issue in this field, according to the report, was the complicated macroeconomic situation and the instability in the Eastern and Southern Ukraine (European Commission, 2015). However, Ukraine has moved on with the progress of visa liberation and adopted several legislative reforms stated in the Visa Liberalisation Action Plan (European Commission, 2015). Thanks to that, Ukraine has successfully come closer in achieving visa liberation with the EU.

Ukraine also improved the situation with the help and advice from the EU in the judiciary field to restore people’s trust in the Ukrainian court system. New laws changed the subordinate role of the judges who were under the exclusive authority of court presidents and made the court independent
Recommendations for improvement according to the ENP Progress Report:

Based on the current progress, the European Commission made some suggestions for Ukraine in all areas. In the field of the anti-corruption campaign, Ukraine should make sure that the adopted legal measures would be carried out and implemented correctly (European Commission, 2015). Also, Ukrainian authorities must continue with setting up the newly established and planned anti-corruption institutions (such as NABU) and ensure that they would function properly (European Commission, 2015). Finally, and most importantly, in terms of corruption, Ukraine should create an implementation plan in the corruption combating strategy (European Commission, 2015).

In the economic field, the EU suggested Ukraine to reduce the bureaucratic burden for businesses and improve the taxation administration. With regard to the Ukrainian state budget, Ukraine should conduct further public finance management reforms and make the budget more transparent (European Commission, 2015). Ukraine should also meet the requirements of the second phase of the Visa Liberation Action Plan for further progress (European Commission, 2015).

The judicial sector has also received a lot of recommendations for improvement. For example, the report says that Ukraine should continue to align its juridical system with the EU standards with a consultation of the Council of Europe/Venice Commission (European Commission, 2015). As it was the case with the anti-corruption sector, the judicial system needs a comprehensive implementation plan for the normal functioning of the court system (European Commission, 2015).

2018 Association Implementation Report on Ukraine

‘In line with the revised European Neighbourhood Policy, this report sets out the state of play of Ukraine’s commitments under the EU-Ukraine Association Agreement since the publication of the last Association Implementation Report on Ukraine on 15 November 2017, and ahead of the EU-Ukraine Association Council of 17 December 2018.’ (European Commission, 2018, p. 1).

As shown, this report is an outcome of the further developed cooperation between the EU and Ukraine. At the end of 2014, Ukraine signed the Association Agreement (AA) with the EU, and the followed cooperation started to function through the AA framework. Thus, this report brings up Ukraine’s implantation progress of the goals set in AA since 2017 when the previous similar report was published. Once again, this report contains progress assessment in various fields, but as in Ukraine’s ENP Progress Report (2014), this study only focuses on corruption and the topics directly affected by it.
Assessing the situation in Ukraine: 2018

This report begins with a positive note by greeting Ukraine’s advanced overall progress in conducting reforms which are following the EU-Ukraine Association Agreement. During the assessment period, Ukraine has continued to deliver the goals set in the AA agreement, and objectives stated in the Deep and Comprehensive Free Trade Area (DCFTA) agreement, which Ukraine signed in 2016 (European Commission, 2018). Also, Ukraine has presented its first annual roadmap for implementing the AA sector by sector (European Commission, 2018).

The report confirms that the role of civil society in promoting and overseeing reforms has been remarkable, including in the fields of anti-corruption, judiciary, and human rights (European Commission, 2018). From the state side, the new anti-corruption body, the National Anticorruption Bureau of Ukraine (NABU) together with Specialised Anticorruption Prosecutor’s Office (SAPO) have initiated 644 pre-trial corruption cases which all were considered as high-level (European Commission, 2018). However, the process of the majority of them was blocked by the other Ukrainian courts (European Commission, 2018). This means that there is no conviction of any high-level official yet.

In order to deal with this problem, Ukraine adopted legislation to create a new court to proceed with the corruption cases, High Anti-Corruption Court (HACC) (European Commission, 2018). According to the report, it is hoped that with the help of carefully selected judges, this court will start to consider cases under NABU’s jurisdiction, which should solve the problem of unwillingness to go further with the high-level corruption cases by other courts (European Commission, 2018). Nevertheless, the anti-corruption campaign received a considerable backlash when NABU started an investigation against the head of SAPO, who allegedly committed ‘gross violation of prosecutorial ethic’ (European Commission, 2018). However, the Qualification and Disciplinary Commission of Prosecutors (QDCP) recommended only to warn the head of SAPO instead of dismissing him, which has caused strong reactions from the domestic public and the EU, in addition to the damage to the anti-corruption campaign’s reputation (European Commission, 2018).

Ukraine’s economy has grown since 2016 and is considered as stable thanks ‘to prudent macroeconomic policies’ (European Commission, 2018) and a strong international fiscal support by IMF and the EU’s financial assistance programmes (European Commission, 2018). Also, the business environment in Ukraine has shown signs of improvement (European Commission, 2018). On the other side, this report sees Russia’s activity as posing negative impact on Ukraine’s economy, especially in the light of the Kerch Strait incident whereas Russia is consciously impeding the activity of Ukrainian ports in the Azov Sea (European Commission, 2018).
The report sees progress in the judiciary reforms throughout 2017-18. New Supreme Court started its activity at the end of 2017 by recruiting staff through a transparent process (European Commission, 2018). However, there are doubts about some of the judges appointed, which brought up concerns about the effectivity of the court (European Commission, 2018). Despite that, in February 2018, the court became functional and started to proceed with many highly politicised cases, which were previously pending, showing that it is capable of adjudicating on complicated cases (European Commission, 2018).

As a result of a positive development set out in the Visa Liberation Action Plan, Ukrainian citizens can access the European Union visa-free as of 31 August 2018 (European Commission, 2018). Since then, Ukrainian passport-holders have made 25.9 million trips to the EU (European Commission, 2018). In addition, the EU continued to support Ukraine’s course towards the rule of law and fighting corruption through the EU Advisory Mission for Civilian Security Reform (EUAM) and other EU funded programmes (European Commission, 2018).

**Future outlook according to the Association Implementation Report**

The report concludes that Ukraine has successfully conducted several political and economic reforms between 2017 and 2018 (European Commission, 2018). From the European side, the EU has delivered financial help to Ukraine over 11 billion EUR through grants and loans as promised in 2014. However, the main initiative for further progress must come from Ukraine (European Commission, 2018). Therefore, the cooperation between Ukrainian Parliament, President and Government is seen as the key to success in achieving the EU standards and norms in different fields and thereby become more integrated with the EU (European Commission, 2018). It is also stressed that the progress must be continuous, especially in the field of fight against corruption as it is something which is expected and emphasised by the civil society and foreign partners (European Commission, 2018).

The report also states that ‘Ukraine’s macro-economic situation has remained stable, but fragile, due to major repayment obligations over the next years’ (European Commission, 2018). In order to become attractive for foreign investments and thereby boost the economy, structural reforms for a better business environment are needed (European Commission, 2018). It is also noted that despite Russian aggression and the annexation of Crimea, Ukraine has managed to maintain a firm European course through continuous societal change towards European values and norms (European Commission, 2018).
**Analysis of the reports**

First of all, it is important to note that the nature of these reports has slightly shifted. While in 2014, the ENP Progress Report was made to assess Ukraine’s implementation of the Association Agenda facilitating the way towards the AA, by 2018 Ukraine had already signed the AA. Thus, there is a significant improvement in the framework where the EU-Ukrainian cooperation takes place, which is an achievement in itself.

In terms of the publications themselves, these reports reflect the EU perspective on the development taken place in Ukraine in 2014 and 2018. From the aspect of overall assessment, the EU reports recognise a clear progress in Ukraine in all different sectors considered in this study – economy, judiciary and especially in the fight against corruption which has been a significant problem in Ukraine.

In 2014, new anti-corruption policies were in the planning phase, and it was noted that Ukraine must have a comprehensive strategy of how the new anti-corruption focus would be executed. By 2018, the results are visible. Ukraine has now a separate medium to deal with the corruption issue which is now divided between the new anti-corruption entities, whereas the most visible institution here is NABU. Also, if there has been a new obstacle, for example, with the courts, Ukraine has tried to solve it by widening the range of anti-corruption institutions. Hence, objectively assessed, Ukraine has continued with the course that was stated in 2014 and is trying to find solutions to tackle corruption. The last report stressed that despite the development so far, the fight against corruption must be constant, and there are expectations for further progress in that field.

In the field of economy, Ukraine has become more stable thanks to reforms and constant financial support from Europe. Also, Ukraine has managed to improve its business doing environment, however continuous work in this sector is needed. On the other hand, Russia’s behaviour has throughout 2014-2018 weakened Ukraine’s economy. Hence, Russia is a constant factor causing uncertainty, which needs to be taken into account. The legal sector, which has been seen as highly problematic, has experienced many reforms and the creation of anti-corruption supplements. Also, Ukrainian courts have started to adjudicate highly politized cases, but there are no convictions yet, which is a sign that there is room for improvement in this area.

From the European side, help has been remarkable. In addition to the mental, monetary, and advisory support, Ukraine has achieved visa liberation with the European Union, which is a notable achievement in the EU-Ukrainian relations. To conclude, according to these reports, the EU is engaged in helping Ukraine and Ukraine has been willing to change itself according to the recognised norms and standards from the EU. Despite Russia’s aspirations, Ukraine has firmly kept its European course.
and it is expected to be continued. But perhaps most importantly, the interplay between Ukrainian authorities is essential for further progress, and specifically, in the final report, it was believed that domestic cooperation is the key to success in Ukraine.

5.2 Indexes

This part presents Ukraine’s development regarding corruption and other areas affected by it according to third parties. To do that, three different indexes from international organisations were chosen to monitor Ukraine possible development in the fields of anti-corruption, economy and judiciary. Thus, each index represents Ukraine’s progress in their respective field between 2014 and 2018. This part could also be seen as scrutiny whether the data provided by the reports match with the observations of the external actors. To present the data, figures have been taken from annual reports accessible online of the three international organisations and then put together into charts. Hence, the data derives from the organisations, but the author of this study made the charts. This section will end with a brief conclusion of the index-results.

Transparency International - Corruption Perception Index

The first index presented here is the Transparency International’s Corruption Perception Index (CPI). In their annual report, Transparency International ranks countries ‘by their perceived levels of public sector corruption according to experts and businesspeople’ (Transparency International, 2018) whereas 0 equals highly corrupt and 100 stands for very clean (Transparency International, 2018). In the following two charts, Ukraine’s development in terms of CPI and its change in the country-list is presented during 2014-2018.
Chart 1 – Ukraine’s change in the country ranking of corruption perception according to Transparency International.

Chart 2 – Ukraine’s CPI change according to Transparency International.

The World Bank - Ease of doing business ranking

The second index used in this study is provided by the World Bank, who publishes annual rankings on countries by assessing their regulatory environment for doing business by looking at ten different topics (The World Bank, 2019). As a result of different methodology used in the ease of doing business score in 2014, it is only possible to display Ukraine’s development in terms of ranking, which could be seen from the following chart.
Chart 3 – Ukraine’s change in the country ranking of ease of doing business rate according to the World Bank.

The World Justice Project – the rule of law score

The rule of law index by the World Justice Project (WJP) measures how people perceive the rule of law. The organisation gathers information by conducting surveys among households and experts worldwide (World Justice Project, n.d.). The way how this organisation interprets the rule of law is as follows: ‘Effective rule of law reduces corruption, combats poverty and disease, and protects people from injustices large and small.’ (World Justice Project, 2019, p. 7) In addition to the country ranking, each country receives a score based on their result which is assessed in the scale of 0 to 1, whereas 1 indicates a strong presence of the rule of law and 0 the opposite (World Justice Project, 2019). The results of Ukraine are presented in the following charts:

Chart 4 – Ukraine’s change in the country ranking of the rule of law rate according to the World Justice Project.
The first presented index, corruption perception, is monitoring Ukraine’s development between 2014-2018. As it could be seen from Chart 1, Ukraine has advanced 22 positions in that field within five years period. The most impressive progress has happened between 2017-18 when Ukraine improved its place by ten positions. The same tendency could be seen even on the CPI score on Chart 2, where Ukraine has increased its score from 26 in 2014 to 32 in 2018. Hence, at least statistically, Ukraine has considerably progressed in the anti-corruption field.

Even Ukraine’s economic environment has witnessed notable progress. Chart 3 shows that while in 2014 Ukraine’s economic climate was considered 112th on the list, by 2018 Ukraine was positioned 76th by the World Bank. In total, this means improvement of 36 positions within five years period. Thus, it has become easier to do business in Ukraine than previously.

Concerning the rule of law index by WJP, by first sight, it seems that Ukraine’s development has been volatile if only looked at the country ranking on Chart 4. However, Chart 5 reveals that Ukraine has developed in that field, but the progress has been steady and slow. Ukraine has improved its ranking by seven positions between 2017-218 (Chart 4) and increased its rule of law score from 0,41 in 2014 to 0,50 in 2017/18 (Chart 5).

Taken together, all the indexes show one firm trend – Ukraine has improved in all three categories. Which has perhaps turned up in the previous material and could also be seen in the indexes is the situation in the legal sector. That area has not seen that much of an improvement as it came out in
the rule of law index. Hence, this field has developed the least from the two others. However, as noted, the overall trend is positive, and Ukraine has developed in all three sections.

5.3 Interview with Mr. Eerik Heldna

This interview was conducted with Mr. Eerik Heldna, currently working as an expert at Estonian Center of Eastern Partnership (ECEAP), where he is mainly occupied with projects on Ukraine focusing anti-corruption. His educational background is in the field of law and among the other positions, he has been previously holding office as a deputy head of Estonian Internal Security Service.

Estonian Center of Eastern Partnership (ECEAP) is a training and research centre which has evolved from the initiative of EU’s EaP. As EaP, ECEAP is aimed to develop bilateral ties with six EaP countries while contributing to the general aims and goals of the EU’s foreign policy (ECEAP, 2017). ECEAP's activity is often conducted in the cooperation with other EU states and it is aimed to improve, for example, its partner countries' public administration, harmonisation of digital market and fight against corruption (ECEAP, 2017).

The following section contains a summary of the interview while using the interview’s transcript as a reference.

First indications of dissatisfaction with corruption

According to Mr. Heldna, the first real indication of a change in the corruption topic in Ukraine was the Orange revolution in 2004. People were tired of corruption and the insufficient fight against it. However, the progress driven by the Orange Revolution was suspended in 2010, when a new era of stagnation started. As known, 2010 was the start of Yanukovych's presidency.

In 2014, there was another upheaval in Ukraine as Ukrainians wished for a better life through tighter cooperation with the EU. People saw that the incumbent political leadership was not following the will of the majority and perhaps even counteracted against the European course. This confrontation of understandings culminated with the Maidan events in Kiev in 2014. Thus, according to Mr. Heldna, both revolutions are initially caused by corruption.

Why is it important to deal with corruption?

Eerik Heldna brings up three major reasons why it is important to fight corruption for Ukrainians. First of all, the worst side-effect of corruption is the alienation of society from the state and the public authorities. By that, he means that if people do not feel that the state is something that belongs to the people, there is no will from the civil society to develop it nor defend it. The second point is the fact that Ukraine has received a clear signal from the EU that corruption must be combated for further
cooperation. The third point, he mentions, is the economic development. Foreign investors are not willing to invest in a country where the economic environment is not stable, and the company's rights could not be protected by an unbiased court if needed. In fact, court institutions are extremely corrupt in Ukraine, which is a huge problem.

National security is another critical aspect of the fight against corruption. Mr. Heldna explains that in a military conflict, corruptive officials might be beneficial for the enemy because it is possible to manipulate with them, pull them into illegal businesses, and as in the Ukrainian context, high-level officers have got caught with unlawful procurement deals. Hence, country's defence capability is being undermined by illicit enrichment. This is the reasons why Mr. Heldna ranks corruption as dangerous as the actual aggression by the Russian Federation.

He also mentioned that several reasons from the EU side to help Ukraine in this matter. Firstly, the EU cannot accept 'a player into the game' who is not acting in accordance with the commonly accepted rules. Secondly, big companies from the EU are interested in a safe economic environment in case they invest in Ukraine and lastly, stable Ukraine is in the EU's interest. Also, if the situation escalates dramatically in the Eastern-Ukraine, the possible outcome scenario would be unforeseeable for the EU. Thus, Mr. Heldna believes that a safe and stable Ukraine increases the security of Europe too, which makes the EU's current approach pragmatic.

**New anti-corruption institutions in Ukraine**

Mr. Heldna reckons that there is public support for the newly emerged anti-corruption institutions, such as National Anti-Corruption Bureau of Ukraine (NABU) and that it was a good idea to start a new institution with a fresh, unruined reputation. He continues that one feature of the Ukrainian society is to sympathise with these kinds of quick and forceful steps. However, Mr. Heldna is personally a bit doubtful of any types of 'special solutions'. He gives an example that it is not usual for the most corrupt free countries to have separate anti-corruption courts or prosecutor's offices. But he says that it might work for Ukraine, and many of its neighbours have also created separate anti-corruption institutions, for example, Poland and Romania.

Nevertheless, Mr. Heldna is sceptical about is the creation of the anti-corruption court, especially from the structural aspect. The question is, how would the appealing process be conducted in a system where there are parallel court structures. On the other side, he tones, court corruption is a fundamental problem in Ukraine, and this may justify the creation of such anti-corruption court. However, Mr. Heldna supports a more comprehensive solution.
The interviewee believes that the most important change in the current anti-corruption campaign has been the fact that society has started to condemn corruption. Ukrainian public acknowledges the corruption problem and Ukraine has free media which reflects the anti-corruption campaign. Most significantly, Mr. Heldna states, Ukrainian society has understood that corruption kills, it contributes to the war.

**Fighting grand and petty corruption in Ukraine**

Mr. Eerik Heldna brings up that according to some people, changes in the society start from the grassroots level. Same applies to corruption – you need to start the fight from the basics. He gives an example from the Ukrainian border checks, where customs officers are nowadays equipped with cameras and there are signs with the phone number in case there is an attempt to ask for a bribe.

However, everything needs to be in balance, and even 'grand' corruption needs to be tackled. One indication of this is that Ukrainians have started prosecutions on cases high up in the political elite, which is a sign that they are not afraid to fight even big corruption. On the other hand, none of the big corruption cases have reached any kind of decision, i.e., judicial clarity is lacking, he means. Despite everything, Mr. Heldna confirms that at least from the outside, Ukraine has now started to send signals to the public, that corruption is no longer tolerated.

At the same time the EU's approach might sometimes be rather formal and 'parental'. Some European organisations have thrown up some terms and norms to be implemented in Ukraine which are not even real, e.g., NATO or EU standard. In fact, the structure of the judicial system is a sovereign decision for each member state in the EU. Also, Mr. Heldna believes that it is important not to claim that one specific solution surely works for Ukraine. Instead, Europe should suggest different solutions and support Ukraine in its decision.

Finally, there are some notable corruption cases, even in the high elite of the EU countries. He brings the example of Gerhard Schröder, whose decision to start working at Gazprom directly after he the German Chancellor chair is a sign of political corruption. From this aspect, it is hard to justify to the Ukrainians that there is no political corruption in the EU.

**The current anti-corruption situation in Ukraine**

Mr. Heldna says that it is a good thing that there is one central medium which fights corruption (*the newly created anti-corruption institutions*) and that the current anti-corruption methods and investigation implementation are at a good level. Also, there is a willingness to make achievements in that field. 'But as a whole, the whole structure is a bit chaotic’ he says. Another thing is that the public support for the judicial system remains relatively low. Mr. Heldna claims that unless the speed and
efficiency will increase in the following years, eagerness might start to drop, and people will start to become disappointed.

Mr. Heldna explains that this might be the reason why President Poroshenko lost the recent presidential elections with a remarkable defeat. 'It might be that people expected a faster breakthrough in breaking the old oligarchic system. However, at least objectively assessed Poroshenko's presidency, he achieved a lot – he 'cleaned up' the defence forces, conducted a major police reform, and increased coherence with Europe. So, it might be that at the substantive level, Poroshenko achieved a lot, but not emotionally' Mr. Heldna concludes.

The most important support from the EU

Mr. Heldna stresses the importance of visa liberation. It was a fundamental signal from the EU, especially in the light of the fact that Russia does not have it. Now the Ukrainian people can travel and see that life without corruption is possible and works better without it. Mr. Heldna adds that this decision shows that the EU welcomes Ukraine.

The recommendations which Eerik Heldna sees as a downside from the EU, are the structural demands from the EU. He believes that the EU should clearly consider its strategy in Ukraine. Once again, he brings up the example of the High Anti-Corruption Court which has perhaps not been so well considered recommendation by the EU. Mr. Heldna thinks that the EU should orient its strategy in Ukraine towards results, not on the structural architecture and regulations. Thus, the outcome is important, not how you reach it.

Backlashes in the anti-corruption campaign

According to Mr. Heldna, Ukraine has not managed to break the nature of political oligarchical corruption which means that there still exist some people who are immune to the law and control party groupings in the Ukrainian parliament. But on the opposite, 'it would be too optimistic to think that these things would disappear in five years', he notes.

The High Anti-Corruption Court and the problem of blocking the investigation of corruption

Mr. Heldna says the High Anti-Corruption Court has not started to proceed with cases yet, which makes it hard to estimate its effect yet. Secondly, he explains that blocking the investigation in the Ukrainian context means that judges have, for example, refused to examine the cases, have collectively sick-called themselves and taken other measures not to fulfil their obligations.
Mr. Heldna reminds here the structural question about the new anti-corruption court. He means that in every democratic society, there should be right to make a complaint and appeal the court decision. How would that be conducted in the HACC is not clear yet.

The expectations of the civil society and the EU in the field of anti-corruption

M. Heldna believes that if Ukraine cannot improve further the corruption situation in the country, it will start to hinder the economic development as foreign investors are the first ones who react to changes. The second problem is that the old corrupt schemes might come back, which would be a win for the aggressor in the east. Russia might again start to influence politics that it practises even some of the EU countries.

However, Mr. Heldna claims that 'based on my experience, I believe that it is only possible to slow down this 'train' of anti-corruption by the forces receptive to corruption, but not to stop it nor reverse it. Ukrainian people have got a taste of freedom.' Moreover, Mr. Heldna believes that the Ukrainian political elite has now understood that that the clock is ticking. 'They do not have another ten years to hold the current status quo and achieve nothing. They must improve every year, even step by step if necessary.' But the improvement must be constant and in the current light, Mr. Heldna sees the future of tackling corruption optimistically.

The biggest challenges in the near future

The biggest challenge for Ukraine in the corruption field, according to Mr. Heldna, is transparency in politics, which is rather a prevention measure. He argues that the hidden funding of the parties must stop, and people must understand who is behind certain decisions made in Verkhovna Rada (Ukrainian parliament). For Ukraine, Mr. Heldna means, this is vital.

Another challenge is related to the creation of the rule of law, which in Ukraine is especially linked to the trustworthiness of the court system. Mr. Heldna says, 'If this will be conducted, Ukraine will be in a state of justice'. More generally, prevention should come first, and it is the general attitude of the society that matters. 'It is the tragedy of many post-Soviet states such as Ukraine, that the corruptive system has been a norm for them, dating back to the Soviet time, because they have never experienced independent statehood previously as Estonia did' says Mr. Heldna. He also argues that 'it is the language of symbols that is important in politics and the arrangement of the society. Unless you distance yourself symbolically from the Soviet time, you cannot expect any breakthrough in the anti-corruption fight'.

Finally, Mr. Heldna cited Lennart Meri, the first president of Estonia after the Soviet occupation, 'the mayor of Narva (a city in Estonia bordering Russia) asked Lennart Meri in 1993, when will life become
normal in Narva? President Meri took his hand, brought him next to the window, pointed towards the statue of Lenin and said: "as long as you have the statue of this syphilitic in your town, nothing will change." According to Mr. Heldna, 'corruption equals Soviet power'. Hence, a post-Soviet society must overcome its Soviet heritage of mentality if it aspires to become a democratic state.

Analysis of the interview

In order to interpret the interview, the interview was coded by labelling the relevant pieces and put together into a scheme. While choosing the labels, the selection was based on the pieces that the interviewee repeated, explicitly stressed the importance of or which seemed relevant based on the previous research and knowledge on that field. The coded scheme could be found in Appendix 2 and the following text is a summary based on that.

Right from the beginning, it became evident that corruption could be recognised as a source of the problems that Ukrainian society is currently facing. The interviewee clearly linked the two revolutions with the people's dissatisfaction of dealing corruption by the authorities. To deal with corruption is vital for Ukraine from many aspects: people need to feel that the state serves their interests instead of the political elite's; Ukraine is obligated to fight corruption in order to tighten the cooperation with the EU and finally, combating corruption is vital for the economic development in order to improve the economic environment for the foreign investments. Besides, corruption poses a clear threat to national security, especially under current circumstances, whereas there is an ongoing conflict in the Eastern-Ukraine.

Ukraine has recently created new anti-corruption institutions and sent a signal to the public that corruption is no longer tolerated. The interviewee also believes that Ukraine is fighting both types of corruption – grand and petty.

The interviewee believes that Ukraine has objectively assessed achieved a lot during Poroshenko’s presidency, but it has not been subjectively enough. From the EU side, Mr. Heldna believes, the most important signal has been the visa liberation. By that, the European Union has welcomed Ukrainians.

While speaking about things that have not been improved yet, the interviewee emphasises the ongoing problem with breaking the nature of political oligarchical corruption, which has not been done yet. However, Ukraine must continue to deal with the corruption issue with visible results, otherwise, problems will get worse and old issues might start to re-emerge. Also, even though Ukraine has by now created new anti-corruption institutions, they cannot do all the work. Furthermore, there might even be some structural problems that could possibly hinder the efficiency of their work, for instance, the parallelity of the court systems. This is the reason why he expresses certain critique
towards the EU’s approach on Ukraine. The interviewee believes that the EU should be result oriented, not on structural issues of how to achieve goals. Also, the EU might sometimes put too high expectations of Ukraine, even though the corruption issue stays relevant even within the Union.

However, the interviewee believes that it is not possible to change the European course of Ukraine as Ukrainians have already ‘tasted freedom’ and understood that corruption eventually kills their society. Mr. Heldna thinks that the biggest challenge for Ukraine is to establish a transparent political system and the rule of law. The latter is very much related to a fair and functioning court system.

More generally, prevention should come first, and it is the general attitude of society and politicians what matters. An important point of this is related to the language of symbols. According to the interviewee, corruption means symbolically approving and accepting the heritage of the Soviet Union, thus, Mr. Heldna believes, all the symbolic links to the Soviet Union must be superseded for success in the anti-corruption campaign.

6 Data analysis

While analysing the data, some facts and tendencies became clearly visible. The qualitative material confirms the claim that corruption is the top problem to currently deal with in Ukraine, precisely as Åslund (2015) and Kuzio (2012) had brought up in the 'previous research' section. This problem is also addressed by the interviewee, who asserted that corruption is dangerous for national security and the statehood of Ukraine for many reasons. First of all, corruption makes people feel that the state does not belong to them. Secondly, it is hard to improve the standard of living and the overall economic situation, while the economic environment is unstable and unwelcoming for foreign investments. And finally, corruption undermines state’s defence capability.

Thus, it is clear that as corruption is so clearly linked with other areas, such as the economy and justice system, combating corruption must come hand in hand with the reforms in other sectors too. This means that in addition to the anti-corruption reforms, the court system and the economic sector must be amended as well. Without properly functioning judiciary, anti-corruption reforms are useless as adjudication in the court tackles into the problems in the court system itself. Furthermore, when there exists a rule of law, it simultaneously improves the economic environment as the economy can function normally on a fair basis. This is the reason why all of these three topics are linked together and are viewed as an entity in this work.
Answering the operationalised questions

In order to measure the findings and answer the research question, two operationalised questions were stated in the introduction part. First of them, asked what kind of action the EU has undertaken in order to help Ukraine in the fight against corruption? The research found out that while the demand for change has become internally from Ukraine, there is a lot of help provided by the EU too in terms of monetary, advisory and political support to fight corruption and foster development. More specifically, it became evident that as a result of the EU’s recommendations, Ukraine has now created various anti-corruption institutions, whereas the most central element here has become NABU, the National Anti-Corruption Bureau. Thus, the new anti-corruption institutions could be seen as the major outcomes of the EU promoted reforms in the fight against corruption. In addition, two other important aspects of the EU’s help have been the granted financial support to Ukraine, which has been over 11 billion EUR between 2014-2018, and secondly, visa liberation to Ukrainian citizens which is another milestone in the EU-Ukrainian relations. In practise, both of them contribute to the fight against corruption and overall development of Ukraine.

The second operationalised question asked how successful Ukraine’s progress has been through the eyes of external observers? As it came out from the charts, Ukraine has undertaken significant development, especially in the fields of corruption perception and improving the economic environment. The progress in the rule of law has seen less improvement, which on the other hand, is not a surprise because based on the information from the qualitative material, Ukraine’s legal sector has been in really bad shape. Despite everything, the overall trend in Ukraine is positive and the quantitative data confirms the findings of the qualitative material of Ukraine's improvement.

Anti-corruption

While the EU has fostered reforms in Ukraine, the main progress, however, has been done within the country. As a part of evolution, Ukraine has sent a signal to the society, that corruption is no longer tolerated, which is a sign that Ukrainians have finally acknowledged the corruption problem. Hence, a wider hostile stance towards corruption has started to emerge in Ukraine. Another point why corruption must be combated is the fact that corruption directly affects national security, as corrupted officials are loyal to money, instead of the country. Corruption among the officials is a huge advantage for those forces who are acting against the Ukrainian state, for example, the Russian Federation. Corruption was linked to national security especially by the interviewee.

On the other side, everything that is recommended by the EU might not work for Ukraine. The critique towards the EU’s advice on Ukraine’s anti-corruption reforms was brought up by the interviewee.
According to Mr. Heldna, the EU’s focus should be oriented in showing results instead of the structural approaches to achieve success in the fight against corruption. Thus, the EU should be clear what it expects from Ukraine and provide different but well-considered solutions to tackle corruption instead of pursuing one specific approach. In addition, it sometimes seems that too much is expected from Ukraine, even though there are problems with corruption within the EU too.

**Judiciary**

In terms of the rule of law, Ukraine has made progress in court reforms, by creating new courts and restructuring the old ones. There are also signs that the courts have now started to proceed with cases against high-level officials, which was previously problematic. However, as already mentioned, the judiciary sector has improved the least. The biggest issue here has been the fact that despite the success in the anti-corruption fight, there are not any convictions on high-level officials. The interviewee and the reports suggest that this is something which must definitely be changed in the future. In addition, the interviewee sees a structural problem in the parallelity of the court systems. Even if the newly established High Anti-Corruption Court would start to function properly, there are structural questions, such as the right to appeal, which needs to be considered.

**Economy**

In the economic field, the current situation has stabilised in comparison to 2014, and Ukraine is backed economically by IMF and the EU’s fiscal programmes. Ukraine has also stepped much closer to the European Union as it has signed the AA treaty and received visa liberation with the EU, which has been noted as a major accomplishment in the EU-Ukrainian relations. However, Ukraine’s economy is considered as weak despite its growth since 2016, and Russia continues to pose negative impact on Ukraine’s economy. As seen with the incident in the Kerch Strait, Russia has some unconventional tools in its arsenal, which it might use against Ukraine even in the future.

**Reflecting the findings in light of the theory**

In relation to social constructivism, this study has found evidence that the EU is not afraid to accept additional partners into tighter cooperation if there is will from third countries to do so. This matches the social constructivist stand on the EU enlargement, that it is the values and norms which constitute an actor and the European project has always been designed to unite such countries which respect the shared values. Nevertheless, Ukraine missed the 'integration train' with the EU in the mid-2000s, it does not mean that there is no new train coming.
Another aspect of social constructivism is related to the question of social structures and agents, and their relations to identities. As it came up in the interview, corruption could be linked to behavioural and cultural norms. This in turn, makes it an identity question.

Based on the material, it became apparent that corruption is no longer tolerated in Ukraine and corruption must be combated. Thus, Ukraine has understood what damage corruption does to their society, and how it sets limits on the integration with the EU. Thus, the EU cooperation is one side of the reason why Ukraine taken the corruption problem seriously. However, in order to achieve the ultimate level of integration, a membership of the Union, Ukraine must prove to Europe, that it really has undertaken an identical change from corruption, nepotism and poor court system, into the rule of law, free economy, and democracy, as the latter values are inseparable foundations of the EU.

**Future outlook according to the material**

Based on the reviewed material, Ukraine has done important steps towards the rule of law and integration with Europe. However, work cannot end here. It was stressed both by the reports and the interviewee, that the progress in the anti-corruption field must be constant, and it cannot be stopped.

Another important element is the domestic situation in Ukraine. It seems that at least until now, the aspiration of change and being part of Europe have somewhat united Ukrainian politicians and fuelled the pro-European course. Obviously, even Russia has played a role here in uniting Ukrainians against the common enemy and in turning their look towards the west.

However, as stressed by the ENP report (2018), the key to future success in Ukraine is the domestic cooperation. Moreover, as emphasised by the interviewee, Ukrainian politics must get rid of the political oligarchical corruption, which currently affects the political decisions. Also, in order to be a modern democratic state according to European understandings, Ukraine must mentally cut the ties to the Soviet style of organising life, because as stressed by the interviewee, corruption is part of the Soviet legacy.

Hence, Ukrainian politics must become more transparent and the general understanding among the politicians and the society of corruption as a continuity of the Soviet system must eventually happen. Lastly, there must be a mutual understanding among the political elite of what needs to be done in order to achieve further gradual integration with the EU, which is today the will for the majority of the Ukrainian people.
7 Conclusion

It is not an exaggeration to claim that Ukraine has lost a quarter of a century of development due to bad governance, corruption, nepotism and stagnation. However, the Maidan showed that such a corrupt system was unsustainable, and people demanded change through closer ties with the EU. Hence, since 2014, Ukraine has conducted a geopolitical course change by approaching the EU and showing up willingness to actively work for further integration with the Union.

The EU, on the other hand, has established a solid framework of ENP for such cooperation and provided Ukraine with tools and goals to combat its problems because secure and safe Ukraine is in the interests of the EU as well. Thus, with regard to the research question, what has the EU done in helping Ukraine in its anti-corruption campaign and with what success, the EU has encouraged and advised Ukraine to create central elements to fight its most profound problem – corruption. The most prominent initiative in this field is NABU, which is a central institution in the anti-corruption campaign. In addition, the EU has also backed Ukraine financially as its economy has been stable but fragile. And finally, the EU has welcomed Ukraine by granting visa free movement for Ukrainian citizens to the EU, which is another symbolic step in the EU-Ukrainian relations. By this, the EU has shown that if Ukraine can reach its goals, even further integration is possible.

Thus, despite the critique towards some of the elements in the EU’s approach in Ukraine, all the sources recognise that Ukraine’s fight against corruption has been successful so far and there are visible results in that field. The practical proof for this lies in the improved results in all three monitored fields – corruption perception, ease of doing business and the score of the rule of law, while the latter area has improved the least and thereby needs some increased focus.

Taken together, the material has suggested that corrupt behaviour could be associated with the 'old system' and perhaps with today’s Russia, which has fuelled Ukraine's current transformation by its aggressive behaviour against Ukraine. As a result, corruption in Ukraine must be fought because, in addition to the damage to society, it also poses a clear threat to national security, and in a certain way to national identity. Hence, Ukraine, which is geographically located between the EU and Russia, is turning its back to the cultural acceptance of corruption. Another historical paradox in the current situation is that Ukraine was previously known in English as ‘the Ukraine’, which according to the generally accepted interpretation of this naming referred to ‘the borderland’ (Geoghegan, 2012). Thus, the idea of Ukraine being 'the borderland' in cultural terms of, for instance, corruption culture between the EU and Russia, is relevant even today and the insistence in Ukraine today to drop the definite article in its name in the internationally dominant language of English may be interpreted as
a sign of identity building. It seems that Ukraine is gradually becoming part of the European cultural space.

Thus, from the theoretical point of view, it has become clear that there is an ongoing social and identity related conversion in Ukraine. Corruption, which is an indication of culture and related to identity, is something that Ukrainians have started to exclude because it damages their society and it does not correspond with the values and norms of the EU.

Based on this, the study has found out that tackling corruption has a much deeper meaning than just improving life in Ukraine and complying with EU norms, which are also important. This study sees tackling corruption as identity building, whereas Ukraine renounces the acceptance of corruption and comprehends the importance of the rule of law and democracy. This corresponds with the social constructivist claim, which sees political culture and the social construction of interests and identities as foundations of structures, such as the EU. Hence, if Ukraine wants to be part of the EU, it must demonstrate that it shares the EU’s values and norms.

Coming back to what Kuzio (2012), Åslund (2015) and Mr. Eerik Heldna said about corruption’s relationship with accepted norms and beliefs – Ukraine continued to practise the Soviet system in the 1990s, which is the reason why Ukraine became a fruitful base for systematic corruption bolstering stagnation. Thus, to tackle corruption, the change must start from the way of thinking, and today there are indications that Ukraine is actively dealing with that.

Among the other findings, it is important to bring up what is expected from Ukraine in the near future. While all the sources stressed the importance of continuing the current progress, the EU sees cooperation among Ukraine’s political elite as the key to success. The interviewee, however, emphasised that politics must become more transparent. Hence, both sources claim that it is the political elite of the country who eventually has to lead the change. Thus, as Mandelbaum (2018) has argued, it is up to the Ukrainians themselves whether they will ultimately succeed in neutralising the corruption problem or not (Mandelbaum, 2018). External help from Europe can only help them in achieving that.

While this study assessed the EU’s contribution on the fight against corruption in Ukraine, the analysis part opened up a new level of identifying corruption as a cultural aspect. Even though it is known that there is a diverse interpretation of corruption in different societies, prospective research could elaborate on the cultural acceptance of corruption and its change over time in post-communist societies.
8 Bibliography


Rosamond, B. (2000). Theories of European Integration, Basingstoke, Palgrave


### 8.1 Data and Material


Transcript of the interview with Mr. Eerik Heldna. (2019). (In Estonian language).


Appendix 1 – interview guide

i. Past

1. Europe has encouraged Ukraine to tackle corruption for decades. Since when can we see serious will from the Ukrainian side to deal with this issue?

2. Why has the fight against corruption been one of the top priorities in Ukraine for both Ukraine and the EU?

3. Ukraine has created a great deal of new anti-corruption institutions in Ukraine. How have they been welcomed in Ukraine?

ii. Present

4. Corruption could largely speaking be distinguished as petty and grand corruption. Do we see fight against corruption at every level in Ukraine?

5. How do you assess the current progress of anti-corruption campaign in Ukraine?

6. What is the most important contribution from the EU side into the anti-corruption campaign in Ukraine at the moment?

7. Do you see any throwbacks on the current anti-corruption campaign?

8. According to a report by ENP from 2018, Specialised Anti-corruption Prosecutor’s Office (SAPO) had initiated 644 pre-trial investigations but majority of them are blocked by Ukraine’s ordinary courts. To address this issue, Ukraine adopted in June 2018 legislation to establish a High Anti-Corruption Court (HACC) that will consider cases under NABU’s jurisdiction. How has the new court tackled the problem where investigation was blocked?

iii. Future

9. There are expectations, both internal and external, on the Ukrainian government (politicians) to continuously show results in the fight against corruption. What happens if these expectations of the civil society and the EU are not being fulfilled?

10. What are the biggest challenges regarding the anti-corruption campaign for Ukraine in the near future?
Appendix 2 – scheme based on the interview transcript

### Anti-Corruption Campaign

<table>
<thead>
<tr>
<th>Ukraine</th>
<th>EU</th>
</tr>
</thead>
<tbody>
<tr>
<td>New anti-corruption institutions</td>
<td>Support to the fight against corruption</td>
</tr>
<tr>
<td>Signalling corruption as something non-tolerated</td>
<td>Visa liberation</td>
</tr>
</tbody>
</table>

### Prevention

<table>
<thead>
<tr>
<th>To eliminate</th>
<th>To achieve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political oligarchical corruption</td>
<td>A transparent political system</td>
</tr>
<tr>
<td>Soviet mentality</td>
<td>Rule of law</td>
</tr>
<tr>
<td>Soviet symbols</td>
<td>Fair and functioning court system</td>
</tr>
</tbody>
</table>

### Effect to the State and Society

- Alienation of the society from the state
- Hindered economic development
- Threat to national security

### Reason

- Continuity of the Soviet mentality and system

### Dissatisfaction

- Two revolutions
- Orange Revolution
- Euromaidan